UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION 5:18-cv-142-FDW

EARL JAMES WATSON,)	
Plaintiff,)	
vs.) O <u>O</u> I	RDER
PAULA SMITH, et al.,)	
Defendants.)	
)	

THIS MATTER is before the Court on Plaintiff's Notice of Incorrectly Identified Party by NCDPS, (Doc. No. 42), in which he states that Nurse Melissa Quinn is not the Defendant he intended to sue. He describes the correct Defendant, "FNU Quinn," as a male doctor at Alexander C.I.

Plaintiff is instructed to file a Notice within **ten** (**10**) **days** of this Order providing any and all information about Defendant FNU Quinn to assist NCDPS to identify the individual against whom Plaintiff intends to proceed so that NCDPS may waive service or provide the Court with identifying information pursuant to Local Civil Rule 4.3. Plaintiff is cautioned that failure to comply may result in dismissal of the claims against Defendant FNU Quinn without further notice.

NCDPS shall file a Waiver of Service or a Notice pursuant to Local Rule 4.3(b) for Defendant FNU Quinn within **ten (10) days** after Plaintiff's Notice is filed.

IT IS THEREFORE ORDERED that:

(1) Plaintiff is instructed to file a Notice within **ten** (**10**) **days** of this Order providing any and all information about **FNU Quinn** to assist NCDPS to identify the individual against whom Plaintiff intends to proceed. Plaintiff is cautioned that

- failure to provide this information may result in dismissal of the claims against FNU Quinn without further notice.
- (2) NCDPS shall file a Service Waiver or Notice pursuant to Local Rule 4.3(b) as to Defendant FNU Quinn within **ten** (10) **days** after Plaintiff's Notice is filed.

Signed: February 19, 2019

Frank D. Whitney

Chief United States District Judge